REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office action, the Office noted that claims 1-10 are pending and rejected. In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Thus, Applicants believe that all of these claims are now in condition for allowance.

REJECTION

The Office rejected claims 1, 8, 9, 13 and 14 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Publication No. 2004/0070679 published to Pope et al. (hereon after "*Pope*"). Moreover, the Office rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Pope* in view of U.S. Patent Publication No. 2004/0141089 published to Wada et al. (hereon after "*Wada*") and claims 10-12, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Pope* in view of U.S. Patent Publication No. 2004/0075743 published to Chatani et al. (hereon after "*Chatani*").

A. Applicant's Response to the 35 U.S.C. § 102(e) Rejection of claims 1, 8, 9, 13 and 14

The Office rejected claims 1, 8, 9, 13 and 14 under 35 U.S.C. § 102(e) as being unpatentable over *Pope*. The Applicants traverse the rejection.

As the Examiner is aware, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinen Fabrick GmbH v. American Hoist Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) [emphasis added]. Applicant submits that the cited reference is devoid from disclosing at least one element recited in Applicant recited invention.

In the Office Action, the Office insinuated that *Pope* discloses all the elements recited in claim 1. In support of the rejection, the Office indicated that *Pope* discloses "a timer (inherent part), the timer providing a selected time delay between a first simulated optical image acquisition (first state of release button 70) and an actual optical image acquisition (second state of release button 7), (Pope, paragraph [0027] and [0028])." *Office* Action, at page 3. Applicants respectfully disagree.

Claim 1 recites a combination of elements directed to a digital camera. The combination of elements include "a timer, the timer providing a selected time delay between simulated optical image acquisition and an actual image acquisition." [Emphasis Added]

Pope, on the other hand, discloses a "two stage shutter release button" that allows a photographer to press "the shutter release 70 half way (first stage of the two stage shutter release), step 120, to indicate the scene is framed in the desired manner and that they are waiting for the correct instant to capture the image." *Pope*, at paragraph [0027] and [0028]. *Pope* discloses a two stage in which the "camera is turned on and an initialization process is performed to get the camera ready, step 100 [and the] time period for compensation of the photographer's lag is selected, step 10." *Id*

Thus, *Pope* specifically discloses a two stage shutter release with a time period for compensation. However, *Pope* is devoid from disclosing a simulated optical image acquisition followed by a time delay and later followed by an actual image acquisition, as recited in claim 1. Thus, Applicants submit that *Pope* does not teach all the elements recited in claim 1. The Applicants submit that *Pope* does not anticipate claim 1. Hence, Claim 1, in view of *Pope,* satisfies the requirements of 35 U.S.C. § 102(e) and is in condition for allowance.

Claim 8 recite similar features as those recited in claim 1. In light of the foregoing, the Applicants further submit that *Pope* does not teach all the elements recited in claim 8. Consequently, the Applicants submit that *Pope* does not anticipate claim 8. Hence, claim 8 satisfies the requirements of 35 U.S.C. § 102(e) and is in condition for allowance.

Claims 2, 3, and 9-16 depend directly from claims 1 or 8, and necessarily contain each and every element recited in their respective claim. Since the Applicants submit that *Pope* does not anticipate claims 1 and 8, the Applicants further submit that *Pope* also does not anticipate claims 2, 3 and 9-16. Hence,

claims 1-16 satisfy the requirements of 35 U.S.C. § 102(e) and are in condition for allowance.

B. Applicant's Response to the 35 U.S.C. § 103(a) Rejection of claims 2, 3, 10-12, 15 and 16

The Office rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Pope* in view of *Wada* and claims 10-12, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Pope* in view of *Chatani*. The Applicants traverse the rejection.

For brevity, the Applicants incorporate by reference, into the instant section, all of the arguments/distinctions presented above regarding the patentability of Applicants' claims over *Pope*. The Applicants note that claims 2, 3 and 9-16 depend from independent claim 1 or 8. Since the Applicants submit that *Pope* does not deem claims 1 and 8 unpatentable, the Applicants further submit that *Pope* also does not deem claims 2, 3, and 9-16 unpatentable.

The Applicants note that the Office cited *Pope* for the proposition that it teaches all of the elements of independent claims 1 and 8, from which the dependent claims 2, 3, and 9-16 ultimately depend. The Applicants also note that the Office only cited *Wada* and *Chatani* with respect to the subject matter claimed in the dependent claims 2, 3, and 9-16.

Given that each of the dependent claims 2, 3, and 9-16 depend, directly or indirectly, from either independent claim 1 or 8, each necessarily includes all the elements of their respective independent claim. Since *Pope* does not teach all the elements of the independent claims 1 and 8 and since the Office only cited *Wada* and *Chatani* with respect to the subject matter claimed in the dependent claims 2, 3, and 9-16, the Applicants, therefore, submit that *Pope*, *Wada* and *Chatani*, alone and in combination, do not teach all the elements or render claims 1 and 8 obvious. Thus, the Applicants further submit that *Pope*, *Wada* and *Chatani*, alone and in combination, do not render each of the dependent claims 2, 3, and 9-16, depending from either claim 1 or 8, obvious under 35 U.S.C. §103(a).

The Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2, 3, and 9-16.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are anticipates under 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 972-917-4365 or the office of the undersigned attorney at 972-917-0995 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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By: /MIRNA ABYAD/
MIRNA ABYAD
Registration No. 58,615
Texas Instruments Incorporated
P.O. Box 655474, M/S 3999
Dallas, TX 75265
Telephone: (972) 917-4365
E-mail: mabyad@ti.com